



PEOPLES DEMOCRATIC PARTY

ONDO STATE
MOTTO: JUSTICE, UNITY & PROGRESS

STATE SECRETARIAT:
82, Oyemekun Road,
Akure, Ondo State

Our Ref:.....

Your Ref:.....

Date:.....

31st October, 2016

The Hon. Justice Zainab Adamu Bulkachuwa, OFR
The President,
Court of Appeal,
Abuja.



Your Lordship,

CORRUPTION OF THE JUSTICES OF THE APPEAL COURT: A REQUEST FOR YOUR URGENT INTERVENTION AND DISBANDMENT OF THE HON. JUSTICE JUMAI SANKEY-LED THREE-MAN PANEL HEARING THE APPEAL ARISING FROM THE DETERMINATION OF ONDO STATE PDP GOVERNORSHIP CANDIDATE

INTRODUCTION

I, Prince Biyi Poroye, am the State Chairman of the Ondo State chapter of the Peoples Democratic Party (PDP).

You may wish to recall that the Ondo State PDP and its national leadership have some pending appeals at the Abuja Division of the Court of Appeal, and for which a three-man panel headed by the Hon. Justice J.H. Sankey has been constituted. This

is in spite of the fact that this is a pre-election matter that requires no urgency of any sort to warrant the setting up of a special panel.

The Senator Ali Modu Sheriff-led National Working Committee (NWC) is the authentic leadership of the party voted for and ratified by the relevant organs of the PDP. The Ondo State PDP under my leadership reckons with the Senator Sheriff-led NWC and states that should anything affect it, including the purported appeals, it would affect our interest, hence our concern.

THE ISSUES

Specifically, I write this petition to seek Your Lordship's urgent intervention to disband the Hon. Justice J.H. Sankey-led three-man panel for the following reasons:

1. First, there are issues of influence peddling, corruption and compromise. I wish to emphatically state that Governor Olusegun Mimiko of Ondo State has been boasting that he and Governor Nyesom Wike of Rivers State have jointly raised and given the sum of N250 million to the panel to compromise it and do their bidding. He told some selected leaders of the PDP at a high-level meeting held in Abuja on Friday, 28th of October, 2016 that the panel will hear all the pending appeals and give a favourable judgment between three and four days! Governor Mimiko also said it cost them another N100 million to facilitate the appointment of the Hon. Justice J.H. Sankey as the Chairman of the three-man panel. This explains why Governors Wike and Mimiko are always on the phone with Prince Dayo Adeyeye, a member of the illegal National Caretaker Committee of the PDP, to monitor proceedings at the Court of Appeal, Abuja. Adeyeye is always overheard reporting to the two governors that all was going on well and that the panel was doing what they want.



2. Secondly, the fact that the constitution of the panel violates the spirit and letters of Section 36 (1) of the 1999 Constitution which states that, "In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality."
3. The Hon. Justice J.H. Sankey is the Presiding Judge of the Court of Appeal, Akure Division, where Dr. Olusegun Mimiko, who wants to impose his political son, Mr. Eyitayo Jegede (SAN), as his successor, holds sway as governor of Ondo State.
4. Governor Mimiko told the PDP leaders that he was the one who received the Hon. Justice J.H. Sankey and catered for her welfare when she was posted to the Akure Division of the Court of Appeal at the beginning of the current legal year.
5. It should also be noted that the Hon. Justice J.H. Sankey who heads the panel was transferred from Yola, the Adamawa State capital, where Jegede (Mimiko's anointed candidate) practiced for decades and rose to become a Senior Advocate of Nigeria (SAN) before his appointment as the Ondo State Attorney-General and Commissioner for Justice for seven and a half years until his resignation about two months ago. So, the question is: has this panel been constituted in such a way as to guarantee its "independence and impartiality" if the head of the panel was transferred from Yola where one of the interested parties (Mr. Jegede, SAN) had a very vibrant and fruitful practice and now works in Akure where Mimiko and Jegede hold sway? The answer is an emphatic NO!



6. Governor Mimiko has been boasting that he and Governor Wike of Rivers State facilitated the disbandment of the initial panel set up to hear the appeals when they refused to "cooperate" and got the authorities to appoint the Hon. Justice J.H. Sankey-led panel to replace the "uncooperative" one.
7. The first panel, which had issued hearing notices for the 27th of October, 2016, was disbanded on the very day it was to begin sitting. The Hon. Justice J.H. Sankey-led panel was immediately constituted same day!
8. To my surprise, the lawyers briefed by the authentic leadership of the PDP got to the court and found that there were about seven other appeals and that the Hon. Justice J.H. Sankey-led three-man had been set up. Curiously too, the panel announced to my chagrin that it will hear and determine about seven appeals within a week!
9. My Lord, the way and manner the new panel has been conducting itself and proceedings leave much to be desired.
10. For instance, one Ferdinard Orbih whom the Federal High Court, Abuja, had ruled against that he cannot represent PDP as its counsel was the same person who purportedly filed some appeals on behalf of the PDP as if he is the lawyer briefed by the authentic and recognized national leadership of the PDP! How can a counsel who the court has found cannot validly represent PDP file processes on behalf of the party without a reversal of the ruling and findings of the lower court? This fact has already flawed the appeal and made it incompetent.
11. The appeals are a nullity because they were filed by a counsel whom the Trial Judge has held that he had no authority to represent PDP. It is trite that the Notices of Appeal and all the processes filed on behalf of the PDP by the same counsel who has been disqualified by the Trial Judge cannot stand.



12. I have been duly advised that when a lawyer files an appeal without the authority of his client and the purported client or the opposing party brings it to the attention of the court, the court has a duty to first resolve the issue before proceeding any further.
13. In the pending appeals, the Hon. Justice J.H Sankey-led panel failed and/or refused to resolve the issue before fixing the appeals for definite hearing on the 1st and 2nd of November, 2016.
14. The lawyers to the authentic leadership of the PDP have pointed all these out to the Honourable Justice J.H. Sankey-led panel. But, instead of addressing the issue which bothers on ethical misconduct, the panel brushed it aside and delved into the main issues.
15. The questions begging for answers are: being a pre-election matter, what is the urgency in delving into the main issues without resolve an issue as fundamental as the representation of parties? Why set up a special panel to hear this appeal when the other appeals in respective of the PDP leadership tussle are still pending? Why abridge the time for filing of relevant processes? Why didn't the panel want to address the fundamental issues of law and deceit raised by our lawyers against the purported PDP lawyer? Why does the panel take delight in issuing all manner of rulings intermittently? This confirmed the allegation that the panel is working for the money it collected.
16. My Lord, Governor Mimiko has been boasting that the Hon. Justice J.H. Sankey-led panel will hear all the appeals and deliver a judgment that will favour him and his co-travellers between Friday, the 4th and Saturday, the 5th of November, 2016!
17. They seek to use the dispute over the governorship candidate of the PDP in Ondo State to confirm the Senator Ahmed Makarfi-led National Caretaker Committee and reverse decision of the Independent National Electoral



Commission (INEC) on the acceptance of Barrister Jimoh Ibrahim as the authentic governorship candidate of the PDP in Ondo State.

18. Governor Mimiko said the Honourable Justice J.H. Sankey was sick and off duty for a long time. The sickness, he said, ate into her finances. And that now that she has returned, she needs a lot of money to balance up. So, she does not care whatever happens after doing their bidding in view of the anti-corruption war of the present administration.
19. I understand that the amenable panel wants to hide under the fact that the controversial judgment given by the Hon. Justice Mohammed Liman of the Port Harcourt Division of the Federal High Court has not been set aside; notwithstanding the fact that there is pending at the Port Harcourt Division of the same Court of Appeal which was entered since July 2016 and definite hearing fixed for the 22nd of November, 2016!
20. For the avoidance of doubt, the Suit No and title of the pending appeal at the Port Harcourt Division of the Court of Appeal are **CA/PH/349/2016 – ALI MODU SHERIFF & ANORS. V. PEOPLES DEMOCRATIC PARTY & 3 OTHERS.**
21. I am aware that neither a formal request has been made nor a decision taken yet to consolidate the appeal before the Port Harcourt Division of the Court of Appeal and the one before the Abuja Division of the Court of Appeal. So, why the haste in seeking to surreptitiously assume jurisdiction over a pending appeal that is before another division of the Court of Appeal without a formal request or decision to that effect?
22. The strategy is to use the Honourable Justice J.H Sankey-led panel to literally take the wind out of the sails of the Port Harcourt Division of the Court of Appeal by stealthily determining the issues before it and thereby making the appeal pending before it a mere academic exercise.



23. Governors Wike and Mimiko resorted to this move when they saw that the recent transfers made in the Court of Appeal had thwarted their initial arrangement. They have not been able to penetrate the new Judges who were posted to the Port Harcourt Division of the Court of Appeal. They fear that they may not been able to get the new Judges in Port Harcourt to do their bidding, hence their desperation to use the Hon. Justice J.H Sankey-led panel.
24. The foundation of the leadership crisis rocking the PDP is in Port Harcourt, the Rivers State capital, where there is a pending appeal before the Port Harcourt Division of the Court of Appeal against the judgment of the Hon. Justice Mohammed Liman. I wonder why a special panel was set up for the matter in Abuja when none was set up for the main matter!
25. My Lord, it might interest you to note that before the contraption that is called the Makarfi-led National Caretaker Committee was formed in Port Harcourt on the 21st of May, 2016, the Ondo State PDP Executive of which I am the Chairman had been elected on the 10th of May, 2016, and had been affirmed by a 12th of May, 2016 letter from the Senator Ali Modu Sheriff-led National Working Committee (NWC) under whose watch we conducted the congress.

CONCLUSION

26. My Lord, I am aware of the laudable efforts of the leadership of the judiciary, including My Lord's, in repositioning the judiciary and getting rid of corruption and corrupt elements.
27. In the light of the above, I wish to respectfully declare that the Ondo State Executive of the Peoples Democratic Party (PDP) under my leadership as well as the Senator Ali Modu Sheriff-led national leadership of our party have no confidence in the Hon. Justice Jumai Sankey-led three-man panel and



therefore request that it should be disbanded and a new panel constituted in such a way as to guarantee "fair hearing" and "secure its independence and impartiality", in accordance with the provisions of Section 36 (1) of the 1999 Constitution.

28. I have deposed to a verifying affidavit of the facts stated in this petition. It is attached and I am ready and willing to give evidence at any hearing in respect of the facts stated in this petition.

29. With the assurances of my highest esteem and regards.

Yours sincerely,



PRINCE BIYI POROYE

State Chairman

Cc:

1. **President and Commander-in-Chief**
Federal Republic of Nigeria
Aso Villa,
Federal Capital Territory (FCT), Abuja.
2. **Chief Justice of Nigeria and Chairman, National Judicial Council (NJC)**
Supreme Court of Nigeria
Abuja.
3. **The Attorney-General of the Federation and Minister of Justice**
Federal Ministry of Justice
Abuja
4. **National Security Adviser**
Aso Villa,



Federal Capital Territory (FCT),
Abuja.

5. Inspector-General of Police
Nigeria Police Force
Force Headquarters,
Louis Edet House,
Federal Capital Territory (FCT),
Abuja.

6. Director-General
State Security Service (SSS)
SSS Headquarters,
Federal Capital Territory (FCT),
Abuja.
